

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA and STATE
OF NEW JERSEY *ex rel.* RAFI
KHATCHIKIAN and IVAN TORRES,

Plaintiffs,

v.

PORT IMPERIAL FERRY CORPORATION,
PORT IMPERIAL FERRY CORPORATION
d/b/a NY WATERWAY; ARTHUR
IMPERATORE, President; ALAN WARREN,
Vice President; ROMULUS DEVELOPMENT
CORP.; BILLYBEY FERRY COMPANY, LLC;
WILLIAM WACHTEL; ABC CORPORATIONS
1-10 (same names being fictitious) and JOHN
DOES 1-10 (same names being fictitious),

Defendants.

Civil Action No. 16-CV-02388-KM-AME

**STIPULATION OF DISMISSAL
WITH PREJUDICE**


WHEREAS, plaintiffs Rafi Khatchikian and Ivan Torres (“Plaintiffs”) filed their Amended Complaint in this matter on November 17, 2020, against defendants Port Imperial Ferry Corporation d/b/a NY Waterway (“NYW”), Arthur Imperatore (“Imperatore”), Alan Warren (“Warren”), Romulus Development Corp. (“Romulus”), Billeybey Ferry Company, LLC (“Billeybey”), and William Wachtel (“Wachtel”) (together, “Defendants”), asserting claims for Violation of the False Claims Act (Count 1), Conspiracy to Violate the False Claims Act (Count 2), Violation of the New Jersey False Claims Act (Count 3), Conspiracy to Violate the New Jersey False Claims Act (Count 4), Violation of the Act to Prevent Pollution from Ships (Count 5), Violation of the Clean Water Act (Count 6), Violation of NJ RICO (Count 7), and Retaliation in Violation of the False Claims Act (Count 8);

WHEREAS, the Plaintiffs voluntarily dismissed Count 5 and, on October 7, 2021, the Court granted the motion to dismiss Counts 1, 2, 3, 4, 7, and 8 without prejudice and denied the motion to dismiss Count 6 without prejudice subject to jurisdictional discovery (ECF 38-39);


WHEREAS, on August 1, 2022, the Court converted the dismissal of Counts 1, 2, 3, 4, 7, and 8 to a dismissal with prejudice (ECF 63); and

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and defendants Imperatore, Warren, Romulus, and Billeybey, through their respective attorneys, that pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the action and all claims asserted therein by Plaintiffs against Imperatore, Warren, Romulus, and Billeybey, only, shall be and are hereby dismissed with prejudice and without costs to any party.


MANDELBAUM BARRETT PC

By: 
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Attorneys for Defendant Warren

LAW OFFICE OF MICHAEL D. FITZGERALD

By: 
Michael D. Fitzgerald
Attorneys for Plaintiffs

BALDASSARE & MARA, LLC

By: 
Jennifer Mara
*Attorney for Defendants
NYW, Imperatore, Romulus, and Billeybey*